

5:21-cv-844 (XR)**5/6/2022****Entero v Texas****NATIONAL COURT REPORTERS INC 888.800.9656****Brian Keith Ingram JD 1 (224 - 227)****1 (224 - 227)**

<p>Page 224</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE WESTERN DISTRICT OF TEXAS 3 SAN ANTONIO DIVISION</p> <p>4 LA UNION DEL PUEBLO § 5 ENTERO, ET AL., § 6 Plaintiffs, § Civil Action No. 7 VS. § 5:21-cv-844 (XR) 8 § (Consolidated Cases) 9 STATE OF TEXAS, ET AL., § 10 Defendants, § 11 *****</p> <p>12 ORAL DEPOSITION OF 13 BRIAN KEITH INGRAM, J.D. 14 CORPORATE REPRESENTATIVE FOR THE 15 TEXAS SECRETARY OF STATE OFFICE 16 MAY 6, 2022 17 VOLUME 2 OF 2 VOLUMES 18 *****</p> <p>19 ORAL DEPOSITION OF BRIAN KEITH INGRAM, 20 J.D., CORPORATE REPRESENTATIVE FOR THE TEXAS SECRETARY 21 OF STATE OFFICE, produced as a witness at the instance 22 of the Mi Familia Vota Plaintiffs, and duly sworn, was 23 taken in the above-styled and numbered cause on the 6th 24 day of May 2022, from 9:01 a.m. to 12:58 p.m., before 25 Caroline Chapman, CSR in and for the State of Texas, reported by Computerized Stenotype Machine, Computer-Assisted Transcription, held at the Price Daniel Sr State Office Building, 209 West 14th Street, Austin, Texas, and via web-based conference pursuant to the Federal Rules of Civil Procedure.</p>	<p>Page 226</p> <p>1 A P P E A R A N C E S (CONTINUED)</p> <p>2 PATRICK BERRY (via videoconference) 3 Voting Rights & Elections 4 Brennan Center for Justice 5 NYU School of Law 6 120 Broadway, Suite 1750 7 New York, NY 10271 8 (646) 925-8754 9 patrick.berry@nyu.edu</p> <p>10 COUNSEL FOR MI FAMILIA VOTA PLAINTIFFS: 11 WENDY J. OLSON 12 ELIJAH M. WATKINS 13 STOEL RIVES, LLP 14 101 South Capitol Boulevard, Suite 1900 15 Boise, ID 83702 16 (208) 387-4291 17 wendy.olson@stoel.com 18 elijah.watkins@stoel.com</p> <p>19 COUNSEL FOR THE PLAINTIFF ARC OF TEXAS: 20 SHIRA WAKSCHLAG (via videoconference) 21 Senior Director of Legal Advocacy and 22 General Counsel for The Arc 23 1825 K Street, NW, Suite 1200 24 Washington, DC 20006 25 (800) 433-5255</p> <p>1 COUNSEL FOR PLAINTIFFS TEXAS STATE LULAC AND VOTO 2 LATINO: 3 MIKE JONES (via videoconference) 4 ELIAS LAW GROUP, LLP 5 10 G Street NE, Suite 600 6 Washington, DC 20002 7 (202) 985-1752, Extension 1016 8 mjones@elias.law</p>
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<p>EXHIBITS (CONTINUED)</p> <p>NO. DESCRIPTION PAGE</p> <p>Exhibit 10 Email to Bill Vourvoulias from Stephen Chang dated April 29, 2021, MFV007628 293</p> <p>Exhibit 11 Email to Ruth Hughs from Teresa Farran dated April 1, 2021, State020035 297</p> <p>Exhibit 12 Letter to Texas Secretary of State Ruth Hughs dated October 29, 2020, State062521 through State062522 302</p> <p>Exhibit 13 Email Chain to Stephen Chang from Joe Esparza dated January 13, 2021, State019780 through State019782 308</p> <p>Exhibit 14 Email to Adam Bitter from Ruth Hughs dated September 1, 2020, State020108 through State020110 316</p> <p>Exhibit 15 Email Chain to Ruth Hughs from Stephen Chang dated April 9, 2021, State051155 through State051157 323</p> <p>Exhibit 16 Email Chain to Beva Kellison dated February 7, 2022, State078363 334</p> <p>Exhibit 17 Email Chain to Ruth Hughs from Lucas Cabral dated April 27, 2020, State020089 through State020093 345</p> <p>Exhibit 18 Email Chain to John Scott from Mr. Bitter on December 20th of 2021 347</p> <p>Exhibit 19 Confidential Email to Heidi Martinez and Christina Adkins dated June 30, 2021, State067475 through State067480 359</p> <p>Exhibit 20 Election Code, Title 6, Conduct of Elections, Chapter 64, Voting Procedures, Subchapter A, Voting Generally 364</p>	<p>BRIAN KEITH INGRAM, J.D.</p> <p>having been first duly sworn, testified as follows:</p> <p>EXAMINATION</p> <p>BY MS. OLSON:</p> <p>Q. Good morning, Mr. Ingram.</p> <p>A. Howdy.</p> <p>Q. We introduced ourselves off the record. But just since we are on the record, I will go ahead and do that again.</p> <p>My name is Wendy Olson. I am one the attorneys representing Mi Familia Vota Plaintiffs. I am here on behalf of the consolidate private plaintiffs. With me is Elijah Watkins who is also with the law firm of Stoel and also representing Mi Familia Vota Plaintiffs.</p> <p>Would the others in the room please introduce themselves?</p> <p>MS. HUNKER: My name is Kathleen Hunker. I am with the Texas Attorney General's Office representing the State Defendants, along here with me is my colleague Aaron Barnes.</p> <p>MR. BITTER: Adam Bitter, General Counsel for the Texas Secretary of State.</p> <p>MR. RHINES: Zach Rhines, Assistant General Counsel for the Texas Secretary of State.</p>
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<p>EXHIBITS (CONTINUED)</p> <p>PREVIOUSLY MARKED EXHIBITS</p> <p>NO. DESCRIPTION PAGE</p> <p>Exhibit 18 Consolidated Plaintiffs' Third Amended Cross Notice of Rule 30(b)(6) Deposition of the Office of the Texas Secretary of State 237</p> <p>Exhibit 22 Texas Secretary of State John B. Scott, News Release: Secretary Hughs Commends Texas Voters Following November 3rd General Election 260</p>	<p>MS. OLSON: I know we have several people who are on by Zoom, I am not going to ask you to introduce yourselves. But if for some reason you can't see, will you please let us know. And I would say, to let us know if you can't hear. But if you can't hear, you can't hear me right now, so please you can send an email or enter something into the Chat to let us know if there becomes an issue with the sound.</p> <p>Mr. Ingram, if my math is correct, this will be the third time you have been deposed in the last ten days; is that right?</p> <p>A. Actually, it is the fourth.</p> <p>Q. The third time in this case; is that right?</p> <p>A. The third time in this case, yes.</p> <p>Q. And in connection with the time you were deposed on April the 26th of 2022, you were provided some ground rules with respect to this case in your role here as the designee for the 30(b)(6) -- Rule 30(b)(6) deposition of the Secretary of State's Office; is that correct?</p> <p>A. That's correct.</p> <p>Q. And you're familiar with those general ground rules, if not before, certainly by what you have learned in the last ten days; is that right?</p> <p>A. That's right.</p>

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<p>Page 236</p> <p>1 Q. And so I am not going to go over all of them, 2 but just to make sure since I didn't take either -- any 3 of those other three depositions. If at any time during 4 the deposition my questions are unclear, or if you would 5 like me to restate or repeat anything, please stop me 6 and I will be happy to do so. Does that make sense? 7 A. It does. 8 Q. And then, sir, if you provide an answer to a 9 question, we will assume that you understood my question 10 and, therefore, that's among the reasons it is really 11 important to let me know it is unclear. Is that okay? 12 A. Sure. 13 THE REPORTER: Someone online is not on 14 mute. Thank you. 15 Q. And we discussed off the record that we have 16 two hours and 50 minutes left in this Rule 30(b)(6) 17 deposition, and our plan going in is to take a break, 18 one break halfway through. Will that work for you? 19 A. That will work. 20 Q. If anyone needs a break for some other reason, 21 otherwise we will go ahead and do that, but that will be 22 the game plan going in. And of course, my only request 23 is that, before we take a break, if a question is 24 pending that you answer it before we step away. 25 A. Sure.</p>	<p>Page 238</p> <p>1 advance of your deposition last Tuesday; is that right? 2 A. That's right. 3 Q. Did you review it again in advance of your 4 deposition today? 5 A. I did. 6 Q. Okay. And at the bottom of the first page and 7 the top of the second page, it says that, the Secretary 8 of State's Office shall designate one or more persons to 9 testify on its behalf; is that right? 10 A. That's right. 11 Q. And you understand that you're here today to 12 testify on behalf of the Secretary of State's Office as 13 its designee? 14 A. I understand that. 15 Q. And you understand that this is a continuation 16 of the deposition that began on April 26th of 2022, and 17 the purpose of today's session is to complete or cover 18 additional topics that were not covered to give you 19 additional time to prepare. Do understand that, sir? 20 A. I do. 21 Q. Mr. Ingram, what did you do to prepare to 22 testify today beyond what you have previously testified 23 you did to prepare? 24 A. Sure. I spoke with the Communications Director 25 for our office, the Assistant Secretary of State for</p>
<p>Page 237</p> <p>1 Q. And as you know you have, again, taken an oath 2 to be truthful and that means you're supposed to 3 truthfully answer the questions that I ask you to the 4 best of your recollection. Is that your understanding 5 of the oath that you just took? 6 A. Absolutely. 7 Q. And is there any reason you can think of why 8 you may not be able to answer my questions truthfully 9 today? 10 A. No. 11 Q. Anything that might impair your memory? 12 A. No. 13 (Exhibit No. 18 previously marked.) 14 Q. All right. And -- of course my -- 15 So I am going to show you, again, what was 16 marked as our previous deposition last Tuesday as 17 Exhibit 18 in that deposition. And do you recognize 18 that as the Consolidated Plaintiff's Third Amended Cross 19 Notice of its Rule 30(b)(6) Deposition for the Office of 20 the Secretary State? 21 A. I do. 22 Q. And you understand that that's the governing 23 document for this deposition as well? 24 A. I do. 25 Q. And you have had a chance to review it in</p>	<p>Page 239</p> <p>1 Communications, Sam Taylor, talked to him for 45 minutes 2 to an hour to talk about our public education campaign, 3 phase one before the primary and phase two that we are 4 planning before the general election. 5 I spoke with a lawyer named Jackie who is 6 part of our Forensic Audit Division to get the 7 communications that they have had with the counties, at 8 least a general sense of what they have talked to the 9 four counties about that are being audited. 10 My lawyer pulled a few emails that I had 11 with those four counties regarding the audit back in 12 December. 13 I met with my attorneys, Kathleen Hunker 14 and Aaron for a couple of hours. I reviewed our 15 advisories, our Office's advisories regarding SB 1, 16 voting by mail, and the poll watchers, and spent maybe 17 an hour or two hours doing that. 18 And then I reviewed a document regarding 19 the HB 2512 matching procedure and spoke briefly with my 20 voter registration manager about that document and 21 what -- how we varied from it for the most recent 2512 22 process. I think that's it. 23 Q. All right. And when did you meet with those 24 individuals, was it all in one day? 25 A. No. No, it was all of this last week.</p>

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<p>Page 276</p> <p>1 A. I do not.</p> <p>2 Q. Mr. Ingram, does the Secretary of State's</p> <p>3 Office in any way, from January 1st of 2018, has it in</p> <p>4 any way tracked, including information about demographic</p> <p>5 or political breakdown of users in Texas, the following</p> <p>6 forms of voting: How about drive-thru voting? Does the</p> <p>7 Secretary of State's Office track that in any way?</p> <p>8 A. No.</p> <p>9 Q. Has it received any information from Harris</p> <p>10 County regarding drive-thru voting?</p> <p>11 A. Harris County testified in open committee on</p> <p>12 these bills, I am familiar with that testimony.</p> <p>13 Q. Has the Secretary of State's Office directly</p> <p>14 communicated with Harris County regarding drive-thru</p> <p>15 voting?</p> <p>16 A. No.</p> <p>17 Q. Does the Secretary of State's Office have --</p> <p>18 A. With regard to the users thereof.</p> <p>19 Q. Thank you, sir.</p> <p>20 I was actually going to ask you a</p> <p>21 follow-up question because I saw your hand gesture</p> <p>22 there. Is that all that you wanted to add to that?</p> <p>23 A. Right. You were asking in the context of who</p> <p>24 used it, we have not discussed that.</p> <p>25 Q. Okay. And do you know whether either your</p>	<p>Page 278</p> <p>1 voting? Does the Secretary of State's Office track in</p> <p>2 any way whether a voter used straight-ticket voting?</p> <p>3 A. No.</p> <p>4 Q. How about vote by mail? Does the Secretary of</p> <p>5 State's Office track voters who use vote by mail?</p> <p>6 A. I am trying to remember. I think it was 2015,</p> <p>7 they passed a law that said the vote by mail had to be</p> <p>8 broken out in vote history, so we have tracked it since</p> <p>9 then.</p> <p>10 Q. Is that, for example, how we were able to</p> <p>11 gather some of the data that was in the earlier exhibit</p> <p>12 that we looked at?</p> <p>13 A. In addition to that law there was the</p> <p>14 requirement that there be a ballot tracker and that</p> <p>15 requires additional ballot by mail information be</p> <p>16 entered into the TEAM system by the counties.</p> <p>17 Q. And is there any demographic information that's</p> <p>18 a part of that, for example, gender, race, ethnicity?</p> <p>19 A. No.</p> <p>20 Q. Does the Secretary of State's Office in any way</p> <p>21 track voters who use curbside voting?</p> <p>22 A. No.</p> <p>23 Q. Does the Secretary of State's Office in any way</p> <p>24 track whether the voters use an assistant in voting?</p> <p>25 A. No.</p>
<p>Page 277</p> <p>1 office or Harris County tracked who used drive-thru</p> <p>2 voting in any way?</p> <p>3 A. I don't know. I -- you would have to talk to</p> <p>4 Harris County about what they did to produce the numbers</p> <p>5 that -- that they gave to the committee.</p> <p>6 Q. Okay. You did not get that information in the</p> <p>7 Secretary of the State's Office, correct?</p> <p>8 A. That's correct.</p> <p>9 Q. And the Secretary State's Office doesn't</p> <p>10 separately track that?</p> <p>11 A. That's right.</p> <p>12 Q. Okay. How about with respect to early voting,</p> <p>13 does the Secretary of State's Office track that?</p> <p>14 A. We get the vote history from the counties about</p> <p>15 who voted and who voted early.</p> <p>16 Q. And where is that data maintained?</p> <p>17 A. It is maintained on our webpage.</p> <p>18 Q. And how about with respect to extended-hour</p> <p>19 voting? Does the Secretary of State's Office in any way</p> <p>20 track individuals who use extended-hour voting?</p> <p>21 A. No, ma'am.</p> <p>22 Q. Including 24-hour voting, is that correct? I'm</p> <p>23 sorry, you don't track that either?</p> <p>24 A. That's correct.</p> <p>25 Q. How about with respect to straight-ticket</p>	<p>Page 279</p> <p>1 Q. Why not?</p> <p>2 A. Why not?</p> <p>3 Q. Yeah. Why don't they track voting assistants?</p> <p>4 A. There is not a requirement to track it.</p> <p>5 Q. Does the Secretary of State only track the</p> <p>6 information it's required to track by statute or rule?</p> <p>7 A. Yes. I mean -- yeah. We have a hard enough</p> <p>8 time keeping up with what we are supposed to keep up</p> <p>9 with.</p> <p>10 Q. Does the Secretary of State's Office -- is the</p> <p>11 Secretary of State's Office aware of any counties that</p> <p>12 track, we discussed drive-thru voting, that track</p> <p>13 dropbox voting?</p> <p>14 A. We don't have dropbox voting in Texas. Never</p> <p>15 have, never will, as far as I know. The Legislature</p> <p>16 could surprise me next time.</p> <p>17 Q. So by "dropboxes," there were places people</p> <p>18 could drop off their ballots; isn't that right?</p> <p>19 A. We have personal delivery of hand -- of mail</p> <p>20 ballots, certainly, but we do not have dropbox voting.</p> <p>21 Q. All right. Does the Secretary of State's</p> <p>22 Office track the personal delivery of mail ballots?</p> <p>23 A. We do not.</p> <p>24 Q. Are you aware of whether any counties track</p> <p>25 that?</p>

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